

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937H

Bail Appl..No. 5577 of 2015

CRIME NO. 1234/2015 OF TIRUR POLICE STATION, MALAPPURAM DISTRICT.

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PETITIONER(S)/ACCUSED:

1. RAJESH, AGED 32 YEARS,
S/O. LATE KUTTAN, AZHIKKAL (H), PURATHUR P.O.,
KAVILAKKAD, TIRUR, MALAPPURAM.
2. SUNDHARAN, AGED 37 YEARS,
S/O. LATE RAGHAVAN, KALARIKKAL, PURATHUR P.O.,
KAVILAKKAD TIRUR, MALAPPURAM.
3. RATHEESH, AGED 37 YEARS,
S/O. BALAKRISHNAN, ERANZHICKAL (H), PURATHUR P.O.,
KAVILAKKAD TIRUR, MALAPPURAM.
4. PRADEEP P.P, AGED 35 YEARS,
S/O. LATE ARAMUGHAN, PADUNNAPPATTU (H),
PURATHUR P.O., KAVILAKKAD TIRUR, MALAPPURAM.
5. PRAJI, AGED 30 YEARS,
S/O. KUNHAN, CHANAYIL (H), THRITHALLUR,
PURATHUR P.O., TIRUR, MALAPPURAM.
6. SUBEESH, AGED 30 YEARS,
S/O. DEVADASN, PARAMABATH (H), TRITHALLUR,
PUTHUPPALLY P.O., TIRUR, MALAPPURAM.

**BY ADVS.SRI.A.JAYASANKAR
SRI.C.V.MANUVILSAN
SRI.MANU GOVIND**

RESPONDENT/STATE:

**STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
TIRUR POLICE STATION,
REPRESENTED THROUH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A. HARIPRASAD, J.

Bail Appl. No.5577 of 2015

Dated this the 27th day of October 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioners 1 to 4 are accused nos.5,3,7 and 6 in Crime No.1234 of 2015 of Tirur Police station. What is the rank of petitioners 5 and 6 is not revealed from the materials in the case diary. They apprehend arrest in the above crime registered for the offences punishable under Secs.143, 147, 148, 341, 324 and 308 read with Sec.149 of the Indian Penal Code. Prosecution case in brief is that, on 10.08.2015 at 15.00 hours the accused persons, who are members of a political party, formed themselves into an unlawful assembly, armed with deadly weapons like sticks, swords etc. and attacked the defacto complainant and his brother.

3. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

4. Learned counsel for the petitioners submitted that there was a political clash for which, a

case and counter case have been registered. The petitioners are falsely implicated in this case. There is no material to add Sec.308 IPC in the charge and it was falsely added to keep the petitioners in custody.

5. After hearing the learned counsel on both sides and after perusing the case diary, I am of the view that following directions can be issued in this case.

1. The petitioners shall surrender before the investigating officer within a period of one week and submit themselves for interrogation.

2. In the event of arrest, the petitioners shall be released on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

3. The petitioners shall appear before the Investigating Officer for interrogation as and when directed by him in writing.

4. The petitioners shall not intimidate or

attempt to influence the witnesses, nor shall they tamper with the evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/27/10/2015

P.A. To Judge